

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

CAYUGA MEDICAL CENTER AT ITHACA,
INC.,

Plaintiff,

vs.

5:06-CV-1514 (NAM/DEP)

HORIZON MENTAL HEALTH MANAGEMENT,
INC.,

Defendant.

APPEARANCES:

Miller, Mayer Law Firm
202 East State Street
7th Floor
Ithaca, New York 14850

and

Bond, Schoeneck Law Firm
One Lincoln Center
Syracuse, New York 13202-1355
Attorneys for Plaintiff

OF COUNSEL:

John M. Hinchcliff, Esq.

Jonathan B. Fellows, Esq.

Damon, Morey Law Firm
298 Main Street
1000 Cathedral Place
Buffalo, New York 14202-4096
Attorney for Defendant

Stephen M. O'Neill, Esq.

Hon. Norman A. Mordue, Chief U.S. District Judge

JUDGMENT DISMISSING ACTION BASED UPON SETTLEMENT

I have been informed by Magistrate Judge David E. Peebles that the parties have entered into an agreement in settlement of all claims in this action, and that they reasonably anticipate finalizing their agreement shortly, following which this action will be discontinued, with prejudice, by stipulation pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure. Based upon this development, I find that it is not necessary for this action to remain on the court's active docket.

It is hereby,

ORDERED that the above-captioned case is hereby **DISMISSED** in its entirety **without prejudice** to re-opening upon the motion within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated; and it further

ORDERED that the dismissal of the above-captioned case shall become **with prejudice** on the thirty-first day after the date of the filing of this order unless a party moves to re-open this case within thirty (30) days of the date of the filing of this order upon a showing that the settlement was not consummated.

IT IS SO ORDERED

Date: February 25, 2008



Norman A. Mordue
Chief United States District Court Judge